

Federal budget fails to address immigration shortcomings | Sergio R. Karas

By **Sergio R. Karas**

Law360 Canada (April 23, 2024, 11:42 AM EDT) -- Last week, Finance Minister Chrystia Freeland unveiled Canada's 2024 Budget, which proposes a whopping \$52.9 billion in federal spending. Of particular concern are the \$743.5 million over five years, along with an ongoing \$159.5 million, earmarked for Immigration, Refugees and Citizenship Canada (IRCC), the Canada Border Services Agency (CBSA) and the Immigration and Refugee Board (IRB) to tackle challenges within the backlogged refugee system. While this is an area of concern, the budget is unclear on how these significant expenditures will be utilized to resolve many pressing issues in those departments.



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The federal government claims that the funding will support various components of the refugee system, aiding the RCMP in combating illegal migrant smuggling, upgrading CBSA holding centers for safe detention of high-risk individuals and providing healthcare support for refugee claimants through IRCC's Interim Federal Health Program. There is an astonishing lack of information on exactly how these funds would be distributed.

The IRB's 2024-25 Departmental Plan states that it has allocated \$267.7 million for immigration and refugee case adjudication and \$66.8 million for internal services. While the IRB outlines some strategies aimed at optimizing operations, such as streamlining administrative processes and harnessing data and analytics for efficiency, even this document remains vague and unhelpful in justifying the substantial budget allocation for their operations.

Given the gargantuan spending, the Liberal government must be held accountable to ensure transparency in resource allocation and offer a more robust justification for such substantial expenditures, rising projected deficits and escalating national debt. Despite warnings from the Parliamentary Budget Office regarding the limited capacity for increased spending without tax hikes, the government has ignored them and is both spending more and raising taxes. The government's persistent reliance on financial injections to address problems falls short of providing sustainable solutions to fundamental issues. In a recent commentary by the Macdonald Laurier Institute, professor Michael Barutciski argues that mere funding increases may not adequately address the challenges facing Canada's refugee determination system.

In 2023, Canada experienced a significant increase in its annual refugee intake, with approximately 140,000 claims — an increase of 128 per cent from the previous year. By the end of 2023, the backlog of refugee claims had ballooned to 156,032. The average processing time hovered at 37 months. Despite the IRB's commitment to reducing this wait time to 24 months by 2024-2025 — through various measures such as management training, modernization of interpreter and representative programs and the incorporation of technology in decision-making — doubts persist regarding the efficacy of the budgetary allocations in addressing these challenges. According to a recent Global News report, as of March 2024, 90 per cent of refugee claimants who arrived in Montreal by air in 2023 were still awaiting status decisions. Given these numbers, the IRB's backlog is likely to remain a significant concern — even with this considerable increase in funding.

The CBSA struggles with tracking and deporting rejected claimants, particularly those flagged for national security concerns. According to the same Global News report, there were over 28,000 active

warrants for failed claimants as of February 2024. As of March 20, 2024, despite being subject to 33 reports of inadmissibility on national security grounds, those individuals except one were still in Canada. This alarmingly low rate of national security-related deportations, with only 44 out of 675 recommended deportations executed since 2018, indicates the urgent need for more efficient processes.

The budget proposes using federal prisons to tackle challenges posed by individuals considered to be high-risk. According to the minister of Citizenship and Immigration, this proposal targets individuals who have severe mental health issues and are subject to deportation orders. Under the *Immigration and Refugee Protection Act*, CBSA has the authority to detain foreign nationals if they are considered flight risks, have unclear identities or pose a public danger. The budget proposed amendments to the *Corrections and Conditional Release Act* and to the *Immigration and Refugee Protection Act*, which would permit the use of federal correctional facilities for high-risk immigration detention.

While it is important to address safety concerns and flight risks, this detention-focused plan falls short in explaining how crucial tasks, like locating individuals subject to deportation and resolving the current backlog of refugee claims, will be managed. The proposal allocates \$377 million to federal correctional institutions to implement these changes. It is unclear what resources will be allocated to CBSA to track, apprehend and remove high-risk deportees.

The government must prioritize implementing robust measures to combat fraudulent refugee claims. While the Canada-United States Safe Third Country Agreement aims to reduce claims, the ongoing influx of asylum seekers through airports highlights the need for stricter policies, which would focus on interdiction, streamlined removal processes and entry barriers for bogus claimants.

The government must implement legislative reforms instead of excessive spending to enhance refugee determination. This entails preventing abuse and bolstering transparency and accountability in fund allocation. Rather than depending on financial stopgap measures, the government should concentrate on strategic actions and policy reforms to ensure a fair, balanced system but also implement finality for individuals ordered deported.

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